

BILL NO. X-71-11-09

*Amended*

ANNEXATION ORDINANCE NO. X-39-71

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
INDIANA:

SECTION 1. That the following described territory be, and the same is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, to-wit:

Being part of Section 33, Township 31 North, Range 13 East, and Section 34, Township 31 North, Range 13 East, and Section 3, Township 30 North, Range 13 East, and Section 4, Township 30 North, Range 13 East, being part of the Kercheval Reserve, bounded on the north by Hicksville Road, more commonly known as East State Boulevard, bounded on the south and east by Maysville Road, also known as Lake Avenue, bounded on the west by the Fort Wayne Corporate Limits, as established by Annexation Ordinance No. X-13-68, except for some parcels of land totaling 127 $\frac{1}{4}$  acres in the southwest corner of the Hicksville and Maysville Road (Lake Avenue) intersection:

More Particularly described as follows:

Beginning at the intersection of the North right-of-way of Maysville Road (Lake Avenue) and the Fort Wayne Corporate Limits as established by Annexation Ordinance No. X-13-68; thence north along the Fort Wayne Corporate Limits as established by Annexation Ordinance No. X-13-68 to the north right-of-way line of Hicksville Road (East State Boulevard); thence in a northeasterly direction along the north right-of-way line of Hicksville Road (East State Boulevard) to the east line of the fractional northwest 1/4 of Section 34, Township 31 North, Range 13 East; thence south along said east line of the fractional northwest 1/4 of Section 34, (assumed to be the northerly projection of West line of Lot # 2 in Browning Sub. of Kercheval

Reserve) to the northwest corner of Lot 2 in Browning Sub. of Kercheval Reserve as recorded in Deed Book W, Pages 387-388; thence continuing in a southerly direction along the west line of said Lot 2 in Browning Sub. to a point located 262.68+ feet north of the southwest corner of said Lot 2 in Browning Sub., said point more particularly described as being the northwest corner of Lot # 77 of Lake Forest Extended, Section III as recorded in Plat Book 33, Pages 19-20; thence east on a line parallel to and 262.68+ feet north of the south line of Lots 1 & 2 of said Browning Sub., to the westerly right-of-way line of Maysville Road (Lake Avenue); thence southwesterly along the westerly right-of-way line of Maysville Road (Lake Avenue) to the west line of said Kercheval Reserve; thence in a westerly direction along the north right-of-way line of Maysville Road (Lake Avenue) to the point of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and sixty days after the second publication thereof as provided by law.

Don J Schmidt  
Councilman

Read the first time in full and on motion by Schmidt seconded by  
Fay and duly adopted, read the second time by title and referred  
to the (Committee on) Annepxation (and to the City Plan  
Commission for recommendation) (and Public Hearing to be held after due legal notice,  
at the Council Chambers, City Hall, Fort Wayne, Indiana, on \_\_\_\_\_  
the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
P.M., E.S.T.

Date: 11-9-71

Freud G. Bonahoom  
City Clerk

Read the third time in full and on motion by Schmidt  
seconded by Leake and duly adopted, placed on its passage.

Passed (TOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
Adams	<u>V</u>	_____	_____	_____	
Dunifon	<u>V</u>	_____	_____	_____	<u>V</u>
Fay	<u>V</u>	_____	_____	_____	
Geake	<u>V</u>	_____	_____	_____	
Nuckols	<u>V</u>	<u>V</u>	_____	_____	
Rousseau	<u>V</u>	_____	_____	_____	
Schmidt	<u>V</u>	_____	_____	_____	
Steigerwald	<u>V</u>	_____	_____	_____	
Tipton	<u>V</u>	_____	_____	_____	

Date 12-28-71

Freud G. Bonahoom  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. X-39-71  
on the 28<sup>th</sup> day of December, 19 71.

ATTEST: (SEAL)

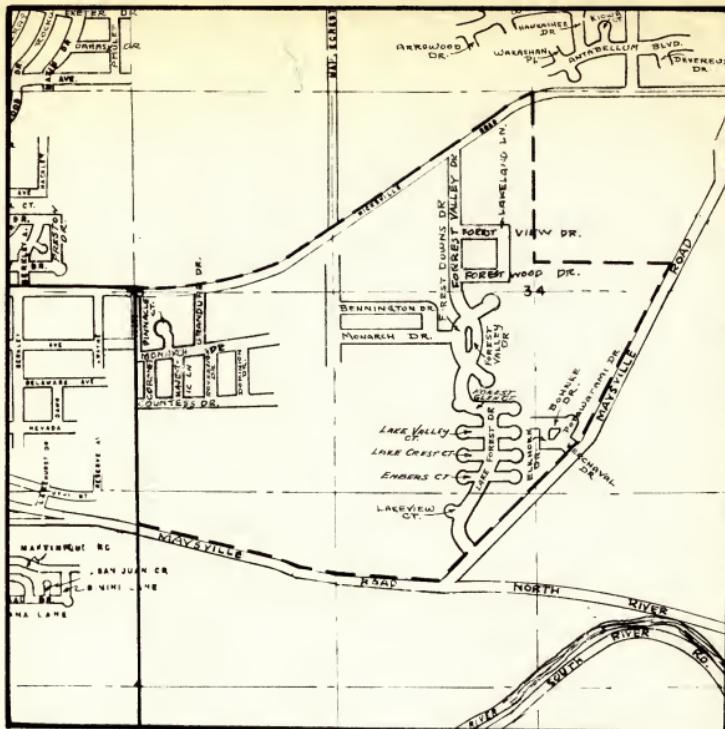
Freud G. Bonahoom Philip H. Newbold  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29<sup>th</sup> day  
of December, 19 71 at the hour of 8:30 o'clock A.M., E.S.T.

Freud G. Bonahoom  
City Clerk

Approved and signed by me this 29<sup>th</sup> day of December, 19 71,  
at the hour of 9:03 o'clock A.M., E.S.T.

Harold S. Zeis  
Mayor



**PRESENT CORPORATE LIMITS**

M

*Hold* 12/4/71  
(Schmidt to see Clifton)

Bill No. X-71-11-09

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2, effective date Jan. 1, 1974

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Q PASS.

DONALD J. SCHMIDT, Chairman

HERBERT G. TIPTON, Vice-Chairman

CELIA ANN FAY

JOHN NUCKOLS

EDWIN J. ROUSSEAU

As Amended

DJ Schmidt

Herbert G. Tipton

John Nuckols  
Edwin J. Rousseau

RECORDED BY

DATE 12-7-87 BY CLERK, CITY CLERK

VON E. LIVINGSTON  
THOMAS W. YODER  
WILLIAM P. FAGAN  
DAVID B. KELLER  
MILFORD M. MILLER, JR.  
NORMAN E. BAKER  
CHARLES R. COGDELL  
PHILIP L. CARSON  
LAWRENCE A. LEVY  
EDWARD L. MURPHY, JR.

LAW OFFICES  
**LIVINGSTON, DILDINE, HAYNIE & YODER**  
, LINCOLN TOWER  
FORT WAYNE, INDIANA 46802

WARD E. DILDINE (1970)  
GILMORE S. HAYNIE (1969)

January 3, 1972

AREA CODE 219  
TELEPHONE  
742-8341

The Honorable Charles W. Westerman  
Clerk of the City of Fort Wayne  
City-County Building  
Fort Wayne, Indiana 46802

Re: Marathon Oil Company

Dear Mr. Westerman:

Marathon Oil Company owns a service station on Lots 151 to 154, inclusive, of Delta Heights Addition to the City of Fort Wayne, which is located on the northeast corner of the intersection of Lake Avenue Extended and Highway 30 By-Pass. As part of the proceedings to rezone that site, it made certain commitments to the then Common Council of the City of Fort Wayne. By letter dated December 28, 1971, a xerox copy of which is enclosed herewith, the then Common Council of the City of Fort Wayne released Marathon Oil Company from those commitments. I understand that the original letters of commitment are on file with the records of the Common Council and the Fort Wayne Plan Commission. Unfortunately, my file does not disclose the ordinance number which accomplished this rezoning. However, Mr. Gary Baeten, of the Fort Wayne City Plan Commission, advised me that he was able to find this file without a great deal of inconvenience not too long ago and would be willing to assist you in finding it again.

So that the records of both the Plan Commission and the City Council are current, I would greatly appreciate your cooperation in causing this letter and the enclosed letter from the Common Council, dated December 28, 1971, to be filed in the records of the Common Council in the same place that the original letters of commitment are filed. The original letters of commitment were dated December 28, 1966 and March 9, 1967.

LIVINGSTON, DILDINE, HAYNIE & YODER

The Honorable Charles W. Westerman  
January 3, 1972  
Page 2

Together with a xerox copy of this letter, I am sending a copy of the December 28, 1971 letter of release to Mr. Baeten with the request that the Plan Commission's files, likewise, be brought current. I am giving Mr. Baeten an additional copy of the letter of release for use in obtaining the curb cut permit.

Very truly yours,

LIVINGSTON, DILDINE, HAYNIE & YODER

By

*William P. Fagan*  
William P. Fagan

WPF:bh  
Enclosure

xc: Mr. Gary Baeten (enc.)  
xc: Mr. Albert Ray Williams (enc.)  
xc: Mr. John VanderPloeg (enc.)

COMMON COUNCIL  
OF  
THE CITY OF FORT WAYNE  
City-County Building  
Fort Wayne, Indiana

December 28, 1971

Marathon Oil Company  
Box 24002  
Indianapolis, Indiana 46224

Re: Your Station at the Northeast  
Corner of U.S. 30 By-Pass and  
Lake Avenue in the City of  
Fort Wayne, Indiana

Gentlemen:

Reference is made to your letters dated December 28, 1966 and March 9, 1967 to this Council in which you agreed that you will not make application for access to the subject property from Highway 30 By-Pass. We understand that Sun Oil Company does have access to its service station at the same intersection by way of a curb cut off Highway 30 By-Pass.

In view of the developments in this area since you made your commitment to us, we hereby release you from that commitment and consent to your having access to the subject property from U. S. 30 By-Pass, subject to your obtaining all necessary permits therefor from all governmental and regulatory agencies having jurisdiction thereover.

Very truly yours,

COMMON COUNCIL OF THE  
CITY OF FORT WAYNE  
Fort Wayne, Indiana

Ray Palmer Wm K. Geake Jac R. Dunlap  
Robert H. Johnson John Macola V  
Phillip Murphy Thomas M. Adams D. S. Schmid

*Arvilla De Vold*

Date January 21, 1972

CLERK

Legal Notices

Notice is hereby given that on the 28th day of December, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, passed the following Annexation ordinance, to-wit:

Bill No. X-71-11-49 (Amended) AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to the City of Fort Wayne, to-wit: Being part of Section 33, Township 31 North, Range 13 East, being part of Township 31 North, Range 13 East, and Section 3, Township 30 North, Range 13 East, all portion of the same north of Range 13 East, being part of the Kercheval Reserve, bounded on the north by Hicksville Road, more commonly known as Lake Avenue, which is bounded on the south and east by Maysville Road, also known as Lake Avenue, bounded on the west by the corporate Corporate Limits, as established by Annexation Ordinance No. X-13-68, except for the areas located in Section 12, 127, plus or minus, acres in the southwest corner of the Hicksville and Maysville Road (Lake Ave.) intersection.

More particularly described as follows: Beginning at the intersection of the North right-of-way of Maysville Road (Lake Avenue) and the Corporate Limits as established by Annexation Ordinance No. X-13-68; thence north along the North right-of-way of Hicksville Road (East State Boulevard) as established by Annexation Ordinance No. X-13-68 to the north right-of-way line of Maysville Road (East State Boulevard); thence due east along said direction along the north right-of-way line of Hicksville Road (East State Boulevard) to the intersection of the same with the northwest ¼ of Section 34, Township 31 North, Range 13 East; thence south along said east line of Section 34, Township 31 North, Range 13 East (assumed to be the northerly projection of West line of Lot No. 2 in Browning Sub., of Kercheval Reserve) to the northerly corner of lot 2 in Browning Sub., of Kercheval Reserve as recorded in Deed Book Page 387, Sub 1, recorded in a southerly direction along the west line of said Lot 2 in Browning Sub., to a point located 200 feet from the northerly corner of the southwest corner of said Lot 2 in Browning Sub., said point more particularly described as being the northerly corner of the southwest corner of Forest Extended, Section 111 as Recorded in Plot Book 33, Pages 19-20; thence east on a line bearing due south plus or minus 100 feet north of the south line of Lots 1 & 2 of sold Browning Sub., to the westerly right-of-way line of Maysville Road (Lake Avenue) and thence southerly along the westerly right-of-way line of Maysville Road (Lake Avenue) to the westerly right-of-way line of Maysville Road (Lake Avenue) and thence in a westerly direction along the north right-of-way line of Maysville Road (Lake Avenue) to the point of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 29 of Chapter 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor, and shall take effect on January 1, 1972.

DONALD A. SCHMIDT, Councilman Read the third time in full and on motion by Schmid, seconded by Gedke and duly adopted, placed on its passage. Passed by the following vote:

Ayes, seven.  
A. J. Dunn, Gedke, Rousseau,  
Schmidt, Steigerwald, Tipton,  
Nays, one, to-wit: Councilman Nuckles.  
Abstained, one, D-M: Councilman Fay.  
Date: 12-25-71.

FUAD G. BONAHOOM, City Clerk  
PHIL A. STEIGERWALD,  
City Clerk's Office

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1971 at the hour of 8:30 o'clock A.M.

FUAD G. BONAHOOM, City Clerk  
Approved and signed by me this 29th day of December, 1971 at the hour of 9:03 o'clock A.M., E.S.T. HAROLD S. ZEIS, Mayor.

I, Fuad G. Bonahoom, City Clerk of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and correct copy of Annexation Ordinance No. X-39-71 passed by the Common Council on the 28th day of December 1971, and that said Ordinance was duly signed, and approved by the Mayor on the 29th day of December, 1971, and now remains on file and on record in my office.

With this my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of December, 1971.

FUAD G. BONAHOOM, City Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DE VOLD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

a. DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

January 11, 1972

January 18, 1972

Subscribed and sworn to before me this 21<sup>st</sup> day of January, 1972

*Arvilla De Vold*  
Edith Stapleton  
Notary Public

My commission expires March 8, 1974



Common Council-City of Ft. Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	—
Body	number of lines	127
Tail	number of lines	1
Total number of lines in notice		128

## COMPUTATION OF CHARGES

128 lines, columns wide equals..... equivalent lines at .288¢..... \$ 36.86 cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

**TOTAL AMOUNT OF CLAIM** \$ 36.86

## DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type $5\frac{1}{2}$ point
Number of insertions 2	Size of quad upon which type is cast $5\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Title CLERK

Date January 21, 1972

In my office, WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of December, 1971.  
FAUAD G. BONAHOM, City Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWOLD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time \$, the dates of publication being as follows:

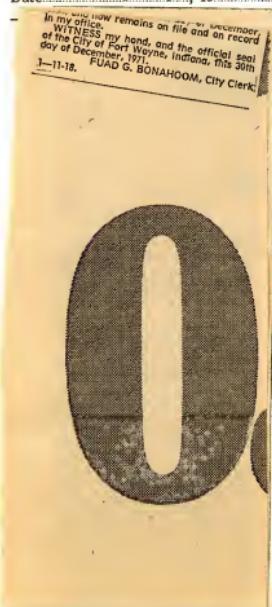
January 11, 1972

January 12, 1972

Edith Stapleton  
Notary Public

Subscribed and sworn to before me this 21st day of January 1972

My commission expires March 8, 1974



Date January 21, 1972

Title

Clerk

Legal Notices

Notice is hereby given that on the 28th day of December, 1971, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session, did pass the following Annexation ordinance, to-wit:

BILL NO. 13-68 (Amended)

ANNEXATION ORDINANCE NO. X-39-71  
AN ORDINANCE creating certain territories and areas of the City of Fort Wayne and including the same in Councilmanic District No. 2.

BEGUN AND RECORDED IN THE COMMON COUNCIL CHAMBERS OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to and made a part of the common council of the City of Fort Wayne, to-wit:

Brownings Sub., Section 34, Township 31 North, Range 13 East, and Section 34, Township 31 North, Range 13 East, and Section 4, Township 30 North, East, and Section 4, Township 30 North, Range 13 East, both of which are Karchev Road, bounded on the north by Hicksville Road, more commonly known as East State Road, and bounded on the south by Maysville Road, also known as Lake Avenue, bounded on the west by the West Corridor Line as established by Annexation Ordinance No. X-13-68, except for some parcels of land in lot 277, plus or minus, east of the southwest corner of the Hicksville and Maysville Road (Lake Ave.) intersection;

More particularly described as follows:

Beginning at the intersection of the North right-of-way of Maysville Road (Lake Avenue) and the West Corridor Line as established by Annexation Ordinance No. X-13-68; thence continuing along the West Corridor Line limits as established by Annexation Ordinance No. X-13-68 the north right-of-way line of Hicksville Road (East State Road) southwardly in a southerly direction along the north right-of-way line of Hicksville Road (East State Road) to the point where the fractional northwest 1/4 of Section 34, Township 31 North, Range 13 East, there being sold and enclosed in the description northwest 1/4 of Section 34 (assumed to be the northerly projection of West line of Section 34) in Brownings Sub., said point more particularly described as being the northwest corner of Lot 2 in Brownings Sub. of Karchev Reserve as recorded in the Deed Book, Page 367-383, hence continuing in a southerly direction along the west line of said Lot 2 in Brownings Sub., said point being located about 20 plus or minus feet north of the southwest corner of said Lot 2 in Brownings Sub., said point more particularly described as being the northwest corner of Lot 7 of Lake Forest Extended, Section 117 of the City of Fort Wayne, recorded in 19-201, thence east on a line parallel to and 262.66, plus or minus, feet north of the west line of Lots 7 & 8 of Lake Forest Sub., to the western right-of-way line of Maysville Road (Lake Avenue); thence in a westerly direction along the right-of-way line of Maysville Road (Lake Avenue) to the west line of said Karchev Reserve; thence in a westerly direction along the north right-of-way line of Maysville Road (Lake Avenue) to the point of beginning.

SECTION 2. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 1, Article 1 of the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approved by the Mayor, and shall take effect on January 1, 1972.

IN WITNESS WHEREOF, COUNCILMAN

Read the third time in full and on motion by Schmidt seconded by Gecke and duly approved and adopted as its passage. Passed by the following vote:

Ayes seven,

A. G. Gecke, Dunton, Gecke, Rousseau,

Schmidt, Steigerwald, Tipton.

Nays, one, to-wit: Councilman Nuckles.

Absent, one, to-wit: Councilman Fay.

Dissenting, None.

FUAD G. BONAHOOOM, City Clerk  
Presented to the Common Council by the Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of December, 1971, at the hour of 8:30 o'clock A.M. E.S.T.

ATTESTED,

FUAD G. BONAHOOOM, City Clerk

PHIL A. STEIGERWALD,

Common Councilman, Presiding Officer

Approved and adopted by me this 29th day of December, 1971, at the hour of 9:03 o'clock A.M., E.S.T.

HAROLD S. ZEIS, Mayor  
I, Fuad G. Bonahoom, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above instrument is true, and correctly copy of Annexation Ordinance No. X-39-71 passed by the Common Council on the 28th day of December, 1971, that said Ordinance was duly signed, and approved by the Mayor on the 29th day of December, 1971, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of December, 1971.

FUAD G. BONAHOOOM, City Clerk

1-11-18.

PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned, A. M. Hostman, who, being duly sworn, says that she is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

January 11, 1972

January 18, 1972

A. M. Hostman

Subscribed and sworn to before me this 21st day of January 1972

Edith Stapleton

Notary Public

My commission expires March 8, 1974

March 8, 1974

Common Council-City of Ft.Wayne  
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen ..... County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head	number of lines	—
Body	number of lines	<u>127</u>
Tail	number of lines	<u>1</u>
Total number of lines in notice		<u>128</u>

## COMPUTATION OF CHARGES

128	lines, columns wide equals.....	equivalent lines at .288¢	\$ 36.86
cents per line			
Additional charge for notices containing rule or tabular work (50 per cent of above amount)			
Charge for extra proofs of publication (50 cents for each proof in excess of two)			
TOTAL AMOUNT OF CLAIM			\$ 36.86

## DATA FOR COMPUTING COST

Width of single column 11 ems	Size of type <u>5½</u> point
Number of insertions <u>2</u>	Size of quad upon which type is cast <u>5½</u>

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*A. M. Hostman*Date January 21, 1972  
day of December 1971  
FUAQ G. BONAHOOM, City Clerk  
1-11-72

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman, who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL.  
 a DAILY newspaper of general circulation printed and published in the English language in the city FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

January 11, 1972

January 18, 1972

*C. M. Hostman*

Subscribed and sworn to before me this 21st day of January 1972

*Edith Stapleton*  
Notary Public

My commission expires March 5, 1974

